

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

PLAINTIFFS' MOTION TO COMPEL

Pursuant to Fed. R. Civ. P. 37 and E.D. Va. Local Rule 37, Plaintiffs hereby move to compel Defendants Cox Communications, Inc. and CoxCom, LLC (collectively "Cox") to produce: (1) for the period of 2011 to the present, documents sufficient to identify, on a subscriber-by-subscriber basis, by quarter and year, revenue attributable to the specific Cox subscribers who were the subject of Plaintiffs' copyright infringement notices; (2) for the period 2010 through 2014, emails and communications concerning Cox's responses to, handling of, and attitude towards infringement notices; and (3) for the period of 2011 through 2014, records regarding third-party copyright infringement notices involving the same Cox subscribers who were the subject of Plaintiffs' copyright infringement notices. For the reasons set forth in the accompanying Memorandum in Support, the Court should grant the motion.

LOCAL RULE 37(E) MEET AND CONFER STATEMENT

Counsel for Plaintiffs sent letters or emails to Cox regarding its deficient objections and responses on December 10 and 26, 2018 and January 11, 28 and 29, 2019. The parties' respective counsel have held multiple telephonic meet-and-confers, including on December 12 and 14, 2018, January 7 and February 1, 2019, including on the issues raised by Plaintiffs' Motion. Those

telephonic discussions have lasted many hours. The parties have resolved several issues and others remain under consideration. Despite their efforts, the parties were unable to resolve all of their disputes, including those raised by the instant motion, though Plaintiffs will continue to confer in good faith to determine whether any of the issues raised herein may be mooted.

Respectfully submitted,

Dated: February 1, 2019

/s/ Scott A. Zebrak

Scott A. Zebrak (38729)
Matthew J. Oppenheim (*pro hac vice*)
Jeffrey M. Gould (*pro hac vice*)
OPPENHEIM + ZEBRAK, LLP
4530 Wisconsin Avenue, NW, 5th Floor
Washington, DC 20015
Tel: 202-480-2999
scott@oandzlaw.com
matt@oandzlaw.com
jeff@oandzlaw.com

Attorneys for Plaintiffs